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Burger, Without Spies, Please: Notes from a Human Rights Researcher

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Notes from a human rights researcher [1]

By Anna Dolidze

Every time I go to a restaurant with my friends, they have to remind me that I have complete freedom of choice in deciding where I would like to be seated. It's because since I have been doing human rights fact- finding in countries where the phrase "human rights" itself causes shivers, frightened glances and widened eyes, I got used to only sitting in restaurants with my back against the wall, facing the room. One can hardly expect to learn restaurant etiquette when doing human rights fact-finding. However, it's true that restaurant behavior is one of the first things you learn if you start working to document human rights abuses in countries whose governments are hostile to the concept.

When choosing a place to sit, you have to sit with your back to the wall, facing the room, to see if someone has followed you and is now eavesdropping on your conversation. Then, even if no one followed and you are alone with your source—be it a witness or a victim of a human rights violation ready to give a first-hand story—food is the last thing on your mind. As a professional researcher you are bound to take many precautionary measures to maintain the security of those who have shown courage in talking to you. After all, sooner or later you are most likely to complete the mission and leave the country; but those people who agreed to publicize information damaging to the reputation of their authoritarian government will be left behind. They will remain

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vulnerable to harassment, pressure, and retribution from the repressive machine of the government.

So when I come back to a lovely and quiet place like Ithaca, I have trouble foregoing the habit of sitting with my back to the wall in restaurants. But not only that, when I eat my burger and criticize US government's most recent policy, I am reminded that the people I met during my trip, and have left behind, will probably never enjoy either the meal we are having or the opportunity to raise their critical voice publicly without fear of retribution. Basic civil, political, as well as economic and social rights as described by the *International Bill of Rights* continue to remain luxurious exceptions as opposed to minimum standards of living for the majority of people on the planet.

In Uzbekistan, where I just completed my most recent trip, one can have a delicious meal with shish-kebabs, home baked bread, cheese and fresh produce with tea for only $3, and even this is only affordable to those employed in the capital. Per capita average annual income in the country is $2,389, compared to $48,000 in the United States. However, freedom of expression is just as unaffordable as a decent meal at a restaurant. The government of Uzbekistan has been recognized by most international organizations as one of the most repressive in the world, alongside regimes in Saudi Arabia, North Korea and Myanmar. Those that publicly criticize government activity face the immediate risk of retribution. And the case of Uzbekistan, where fundamental political, as well as social and economic rights are a luxury, is more of a rule than an exception in contemporary world.

As the 2008 democracy index of *The Economist* attests, one third of the world population lives under authoritarian rule—meaning a form of government where state

authority permeates throughout almost every part of life and severely curtails freedom of expression to sustain its power. On the other hand, The World Bank 2008 Development Indicators suggests that around 1.4 billion people, every fifth person in the world, lives on less than $1.25 a day. These millions of people will probably never experience things that make up our daily lives. Your most recent restaurant bill might have sustained a whole family for a month in many least-developed countries in the world.

There is substantive disagreement among countries and lawyers, however, if the right to have a normal meal stands on the same footing with the right to say one's own opinion, i.e. if civil and political rights enjoy the same importance as economic, social and cultural rights.

The International Covenant on Civil and Political Rights and *The International Covenant on Economic, Social and Cultural Rights* were adopted at the same time in 1966 and today (along with the *Universal Declaration of Human Rights*) comprise *The International Bill of Human Rights*, a codification of the most fundamental international human rights norms. It's true, however, that the two Covenants contain different language regarding states' obligations on implementation of these rights. *The International Covenant on Civil and Political Rights* speaks of the obligation of each state "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant."

On the other hand, *The International Covenant on Economic, Social and Cultural Rights*, which embodies such rights as a right to adequate housing, right to social security, and right to health, indicates that each state should "take steps [...] to the maximum of its available resources, with a view to achieving progressively the full

realization of the rights recognized in the present Covenant by all appropriate means […]" However, many countries, including the United States, have made economic and social rights non-justiciable, depriving individuals of the possibility of defending their rights through legal means. Although the United Nations itself has been pushing for the idea of indivisibility of human rights, many states through their human rights policies have been encouraging the understanding that economic and social rights are of a second-hand nature. The United States itself has been pursuing this understanding domestically as well as internationally, regarding the implementation of economic, social and cultural rights as a matter of development but not of entitlement.

This way of thinking is flawed both in theory and in practice. In theory, if one agrees that the origin of the concept of human rights lies in the concept of inalienable human dignity, which is the philosophical foundation of current international human rights law, it becomes hard to argue that the right to be free from hunger is less important than the right to be free from torture. Hunger is, in terms of its effect on human psychology and physiology, a form of human degradation and torture. Not surprisingly, deprivation of food, or starvation, has been used as means of torture and has been regarded as such in human rights law. As one of the greatest thinkers, Fyodor Dostoevsky writes in Crime and Punishment, "In poverty you may still retain your innate nobility of soul, but in beggary—never—no one. For beggary a man is not chased out of human society with a stick, he is swept out with a broom, so as to make it as humiliating as possible; and quite right, too, forasmuch as in beggary I am ready to be the first to humiliate myself."

Furthermore, it's hard to prove that the possibility to pray freely without government interference is more important to human dignity than the feeling of security brought by a roof over one's head. It is impossible to weigh if deprivation of the right to assembly brings more affront to human dignity than an urgency to sell some of one's organs, which many people in least-developed countries do.

The argument is strengthened in the experience of a human rights researcher. As I have often spoken with witnesses and victims of human rights violations, I have often realized that they lack basic means of transportation, sometimes 15 cents to get to our agreed location. Often when I have spoken to family members of the unjustly arrested and tortured, one of the first concerns I have heard was fear of hunger because the arrested person was the family's breadwinner. I particularly remember a conversation with a father persecuted for his religious beliefs, whose three year old daughter worked in a circus. Numerous examples like this, that one can hear daily in human rights fact-finding missions in developing countries, are the most persuasive and vivid examples that neither set of rights should be singled out and made prevalent over the other. All human beings have an equal entitlement to adequate food as well as the right to freely express their opinion. We are accustomed to the fact that we have the right to enjoy our meal and conversations without government interference. Everyone else in the world too has the right to have a burger, without spies.